IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 29844 of 2003(C)

PETITIONER:

V.A.ALIYAR, AGED 42 YEARS, SON OF
ABDUL KHADER, VELLAM VALY, KAPBSON ROAD,
RAYONPURAM P.O., PERUMBAVOOR.

BY ADV. SRI.M.RAJASEKHARAN NAYAR
SRI.JOHN K.JOSEPH(SAJAN)
SMT.K.N.RAJANI
SMT.NITHYA.K.

RESPONDENTS:
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1. THE EXECUTIVE ENGINEERS, ELECTRICAL DIVISION, KSEB, PERUMBAVOOR,.

2. ASSISTANT ENGINEER, ELECTRICAL SECTION, PERUMBAVOOR.

3. KERALA STATE ELECTRICITY BOARD REP. BYITS SECRETARY, THIRUVANANTHAPURAM-11.

4. CHIEF ELECTRICAL INSPECTOR, THIRUVANANTHAPURAM.

BY SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE INVOICE NO.24640 DT.12.8.2003 ISSUED BY R2 TO PETITIONER.

P2: TRUE COPY OF APPEAL MEMORANDUM BEFORE R1 DT.22.8.2003.

P3: TRUE COPY OF ORDER IN WPC NO.27136/2003 DT.25.8.2003 BEFORE HON'BLE HIGH COURT OF KERALA.

P4: TRUE COPY OF MAHAZAR PREPARED BY R1 ON 26.8.2003.

P5: TRUE COPY OF APPLICATION BEFORE R4 ON 15.9.2003.

P6: TRUE COPY OF THE ORDER PASSED BY R1 ON EXT.P2 DT.18.9.2003.

P7: TRUE COPY OF THE NOTICE NO.DB/ES38/06-07/103/22.3.07 ISSUED BY R2 TO THE PETITIONER.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.29844 of 2003

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Dated this the 28th day of March, 2007.

JUDGMENT

The petitioner is challenging Ext.P6 which is an order in appeal issued by the Executive Engineer upholding an additional electricity bill raised for seven months commencing from November 2002 to June 2003. While the case of the petitioner is that the additional bill for a substantial amount of above Rs.4 lakhs is without any basis, Standing Counsel for KSEB contended that bill is for actual consumption of power after replacement of meter on 5.11.2002. The mistake in the original bill according to Standing Counsel happened because the Board applied wrong multiplication factor for consumption in the type of meter installed in petitioner's premises. While the multiplication factor was 10, the multiplication factor adopted in the original bill was 3. The additional bill is raised for correcting the mistake in the bills by applying correct multiplication factor of 10. The petitioner's contention that prior to the revision of bill average monthly bill was Rs.8,000/- to Rs.9,000/- is not a tenable ground because petitioner has substantially increased connected load from 32 to 58 KWs. Moreover, the bill raised for the period July 2003

which is accepted by the petitioner is for an amount of Rs.50,804/-. When the disputed bills are compared with the bill for July 2003, it is clear that the original bills were mistaken and the mistake was rightly rectified by raising the additional bill after adopting correct multiplication factor. The W.P. therefore fails and is dismissed.

However, counsel for the petitioner rightly pointed out that default, if any, is on the part of the Board and therefore, petitioner should not be burdened with liability for interest/surcharge. I find substance in the argument and accordingly interest is fully waived provided balance arrears are paid in three equal monthly instalments, first of which will be paid on or before 30.4.2007 and the balance on or before the 30th of two succeeding months. In the event of default in payment of any instalment, the waiver of interest granted by this court will stand vacated and respondents are free to proceed for disconnection and recovery of arrears with interest.

C.N.RAMACHANDRAN NAIR
Judge

pms